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Atty. Dkt. No. 016891-0863

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kazuyuki YUNOKI
Title: PROCESSED IMAGE DATA
TRANSMITTING SYSTEM,
PORTABLE TELEPHONE AND
PROCESSED IMAGE DATA
TRANSMISSION PROGRAM
Appl. No.: 10/727,522
Filing Date: 12/05/2003
Examiner: Garber, Wendy R.
Art Unit: 2621

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of the non-U.S. patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

CONCISE EXPLANATION OF RELEVANCE

The document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding European application. A portion of the European Office Action that issued October 20, 2005, with respect to the counterpart European patent application, is provided below:

D2: PATENT ABSTRACTS OF JAPAN vol. 1999, no. 10, 31 August 1999 (1999-08-31) & JP 11 136612 A (NIKON CORP) 21 May 1999 (1999-05-21)

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 56 EPC.

The document D1 is regarded as being the closest prior art to the subject matter of claim 1, and discloses (the references in parentheses applying to this document):

a processed image data transmitting system, comprising means for preparing a still image of a subject from video image of the subject acquired by a camera (see Fig. 14B and paragraph 96, the picture in D1 is loaded through a camera which might be video or still camera), comparing characteristic point data extracted from the still image of the subject with corresponding characteristic point data obtained from

the image data of person(s) (Fig. 14D, and paragraph 98, the image identification is performed comparing the loaded image with images previously stored into the memory), extracting an e-mail address stored in connection with a person whose characteristic point data are most correspondent to those of the subject (Fig. 14E, paragraph 98, after said comparison is performed all personal information belonging to the image thus loaded are displayed, within all the personal information there is also an e-mail address).

The subject-matter of claim 1 therefore differs from this known image data transmitting system in that:

transmitting an e-mail to which the still image of the subject is attached to the e-mail address thus extracted.

The problem to be solved by the present invention may therefore be regarded as an automatic transmitting e-mail system.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Articles 52(1) and 56 EPC) for the following reasons:

Feature of automatically distribute electronic picture by relating said picture to a specific e-mail and sending said picture to the corresponding e-mail is described in document 02 (in D2 each picture is related to a specific party number and said picture is automatically transmitted to said specific party number) as providing the same advantages as in the present application.

The skilled person would therefore regard it as a normal option to include this feature in the image data transmitting system described in document D1 in order to solve the problem posed.

Furthermore, although D1 does not explicitly disclose the possibility of transmitting an e-mail extracted as claimed in the preamble with attached a still image of a subject to the user to which said e-mail

belong, D1 already discloses a storage area wherein each subject image is stored in association with a specific e-mail address and the transmitting capability of sending e-mail with attached images.

Therefore the user of the mobile phone of D1 could decide to send the image previously identified to be associated to a certain e mail address to the said same e-mail address without the use of any inventiveness.

These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the European Office Action.

An English translation of the foreign-language document is not readily available. The absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609). However, for the Examiner's convenience an English language abstract is provided.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

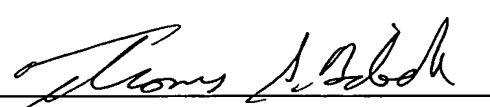

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

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Respectfully submitted,

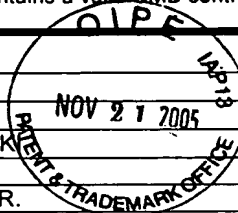
Date November 21, 2005
FOLEY & LARDNER LLP

Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

By  Reg. No. 43,438
 David A. Blumenthal
Attorney for Applicant
Registration No. 26,257

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: November 21, 2005 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/727,522
				Filing Date	12/05/2003
				First Named Inventor	Kazuyuki YUNOKI
				Group Art Unit	2621
				Examiner Name	Garber, Wendy R.
				Attorney Docket Number	016891-0863
Sheet	1	of	1		



U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	D1	JP	11 136612		NIKON CORP.	05/21/1999		A

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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